

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

May 17, 2005 – 3:30 p.m. – W135 House Building

Members Present:

President John L. Valentine, Chair
Speaker Greg J. Curtis, Vice-Chair
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Dan R. Eastman
Sen. Beverly Ann Evans
Sen. Peter C. Knudson
Sen. Karen Hale
Rep. Ralph Becker
Rep. Ben C. Ferry
Rep. Patricia W. Jones
Rep. Brad King
Rep. Rosalind J. McGee
Rep. Stephen H. Urquhart

Members Absent:

Sen. Ed Mayne
Rep. Jeff Alexander

Staff Present:

Mr. Michael E. Christensen, Director
Ms. M. Gay Taylor, General Counsel
Ms. Beverlee LeCheminant, Secretary

Note: A list of others present and a copy of related materials can be found at www.le.utah.gov, or by contacting the committee secretary, Beverlee LeCheminant, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

President Valentine called the meeting to order at 3:45 p.m.

MOTION: Sen. Davis moved to approve the minutes of the March 29, 2005 meeting. The motion passed unanimously. Sen. Eastman, Sen. Hale, and Rep. McGee were absent for the vote.

2. Legislative Management Policies

Mr. Christensen said that the Legislative Management Policies that were reviewed at the March 29 meeting were missing several items. He stated that the new items are underlined in the policies and that starting on page 16 are the committees and task forces that legislators are involved in, most of which were created by statute in the last legislative session.

Ms. Taylor indicated that there are no changes in the policies and procedures for handling records requests, but the audio recordings of the floor debates were inadvertently left out of the Records Retention Schedule of the policies. She said staff would recommend that those audio recordings be included as a permanent record of the House and Senate under the Records Retention Schedule on page 41 of the policies.

MOTION: Sen. Davis moved to add the audio recordings of floor debates on page 41 as a permanent record of the House and Senate under the Records Retention Schedule. The motion passed unanimously.

MOTION: Sen. Eastman moved to adopt the Legislative Management Policies. The motion passed

unanimously.

Ms. Taylor reminded LMC that it adopted the Committee Policy Governing Use of Committee Rooms in the House building at its March 29 meeting, but in the March meeting she stated that she was going to revisit the issue and have a recommendation of a technical assistance fee. She said the Capitol Preservation Board (CPB) is considering adopting a technical assistance fee of \$50 per hour for the legislative, executive, and judicial branches for the rooms they have responsibility for. She said that the House Building is now under the responsibility of the Legislature, so staff would suggest, in order to parallel CPB's policy, that the executive and judicial branches be charged a technical assistance fee of \$50 per hour for the rooms in the House Building if technical assistance is required.

Committee discussion followed.

MOTION: Sen. Hale moved that on page 53 of the Committee Policy Governing Use of Committee Rooms in paragraph (3) after the word "subsection (1)" add "(b) - (e)" so the language would provide for a charge for technical assistance as provided in Subsections 1 (b) - (e) for committee room use by the executive or judicial branch. The motion passed unanimously.

MOTION: Rep. Ferry moved to adopt the Technical Assistance Provisions as amended. The motion passed unanimously.

3. Letters from Interim Committee Chairs

Mr. Christensen reviewed letters from the interim committees regarding the study items that LMC assigned to them either from the Master Study Resolution, individual legislation, or in some cases, recommendations of the committee independent of the Master Study Resolution.

MOTION: Sen. Evans moved to approve the proposed study items requested by the Public Utilities and Technology Interim Committee. The motion passed unanimously.

MOTION: Sen. Evans moved that a letter from the President and the Speaker be sent to the chairs of the Public Utilities and Technology Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee requesting them to hold a combined meeting regarding energy policy. The motion passed unanimously.

MOTION: Sen. Hale moved to approve one additional joint meeting of the Public Utilities and Technology Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee. The motion passed unanimously.

MOTION: Sen. Dmitrich moved to approve the study items requested by the Law Enforcement and Criminal Justice Interim Committee. The motion passed unanimously.

MOTION: Sen. Eastman moved to approve the proposed study items requested by the Education Interim Committee.

SUBSTITUTE MOTION: Rep. Ferry moved to approve the study items requested by the Education Interim Committee with the exception of Governor's Education Initiatives. The motion passed unanimously.

MOTION: Sen. Davis moved to approve the study items requested by the Workforce Services and Community and Economic Development Interim Committee. The motion passed unanimously.

MOTION: Rep. Ferry moved to approve the study items requested by the Government Operations Interim Committee. The motion passed unanimously.

MOTION: Sen. Davis moved to approve the study items requested by the Business and Labor Interim Committee. The motion passed unanimously.

MOTION: Sen. Evans moved to approve the study items requested by the Revenue and Taxation Interim Committee. The motion passed unanimously.

MOTION: Sen. Dmitrich moved to approve the study items requested by the Political Subdivisions Interim Committee. The motion passed unanimously.

MOTION: Sen. Davis moved to approve the Political Subdivisions Interim Committee's request for the creation of a subcommittee to study rewriting the code relating to special districts and the request to hold four subcommittee meetings with per diem for four members. The motion passed unanimously.

MOTION: Sen. Dmitrich moved to approve the study items requested by the Natural Resources, Agriculture, and Environment Interim Committee. The motion passed unanimously.

MOTION: Rep. King moved to approve the study items requested by the Health and Human Services Interim Committee. The motion passed unanimously. Sen. Knudson was absent for the vote.

MOTION: Rep. King moved to approve the study items requested by the Transportation Interim Committee. The motion passed unanimously. Sen. Knudson was absent for the vote.

4. Logan Site Visit

Sen. Hillyard gave a brief outline of the two-day legislative site visit scheduled for the Logan area on August 1st and 2nd. He indicated that specific issues of interest to legislators will be discussed and tours have been arranged. Sen. Hillyard stated that they will need a flyer as soon as possible to find out how many legislators will be attending the site visit, how many legislators will be arriving on Sunday night, and how many spouses and children will be attending as activities will also be provided for them. Sen. Hillyard told the committee that all of the northern Utah legislators are involved in the planning of this two-day event.

President Valentine said that this is the first time in two years that the legislators have scheduled a site visit and he thanked those involved for organizing the event.

5. Audio Files of the Session on the Internet

Mr. Allred distributed a chart showing the popularity of the video and audio hits of the Legislature during the 2005 General Session and indicated that between 50 and 100 people per day were either listening to legislative floor debates or watching them on video. Mr. Allred stated that he was asked at the last LMC meeting to come back and discuss what it would take to broadcast committee meetings over the Internet. He said that there are some fairly expensive options as far as doing video in committee rooms in terms of buying cameras and also ongoing costs in terms of staffing, but he indicated that the audio feed is not as costly an issue, as the audio recording of committee meetings are already being done.

Mr. Allred distributed and discussed some Internet broadcast options with regard to interim committees, standing, and appropriations committees. He stated that standing and appropriation committees are a little unique in that they will be working with session staff. He said that one approach would be to provide a start and an end to committee recordings without markers as to the bills or agenda items discussed. Another approach would require the purchase of some additional equipment and also some additional training of the session staff.

Mr. Allred distributed a letter regarding some recommendations from staff to be sent to the Capitol Preservation Board as a request from LMC for upgrades and changes that will functionally help staff and hopefully make the sound systems more reliable. Mr. Allred said it would take one or two months to get the process running.

MOTION: Rep. Becker moved to add to the live and recorded audio the interim committees, task forces, and the standing and appropriation committees under Option A of Mr. Allred's handout for both the live and the recorded version from the date it is begun. The motion passed unanimously. Speaker Curtis was absent for the vote.

MOTION: Rep. Becker moved to authorize the President and the Speaker to sign the letter dated May 17, 2005 regarding capitol expenditures for committee rooms. The motion passed unanimously. Rep. Curtis was absent for the vote.

6. Executive Offices and Criminal Justice Appropriations Subcommittee Meeting Request

MOTION: Sen. Dmitrich moved to approve the request of the Executive Offices and Criminal Justice Appropriations Subcommittee to hold an interim meeting on May 17, June 14, and October 18. The motion passed with Sen. Evans, Rep. Ferry, and Rep. Urquhart voting in the negative. Sen. Knudson and Rep. Curtis were absent for the vote.

Mr. Christensen said that staff received a letter from the Health and Human Services Joint Appropriations Subcommittee to be put on the agenda for this meeting, but it was not received in time to do a revised agenda, so it will be put on the agenda for the July meeting.

7. Lawsuits Involving the Legislature or Staff Offices

Ms. Taylor told the committee that under LMC policies, the Office of Legislative Research and General Counsel represents the legislators if they are brought into a lawsuit. She stated that in the *U.S.A. United Staffing Alliance, L.L.C. vs. Workers Compensation Fund*, that Sen. Bramble was served with a deposition and one part of that deposition related to his senatorial capacity as he sponsored the potential privatization of the Workers Compensation Fund. Ms. Taylor said that staff represented him in that capacity, advised him as to the importance of Utah's Constitutional Speech and Debate Clause, advised him not to respond, and that the intent of legislative attorneys in this deposition was to give advice solely on Sen. Bramble's senatorial capacity. She indicated that the other issue related to him in his private capacity and he represented himself in that matter. Ms. Taylor said this item was for the information of LMC and no action is required.

Ms. Taylor said that the *Poll vs. Office of Legislative Auditor General* (LAG) lawsuit involved the University of Utah Medical School audit which was undertaken a few years ago by the Legislative Auditor General, in part, by suggestion of Mr. Brent Poll whose son's application was not accepted by that school. Mr. Poll tried to get all of the records from the LAG and they gave him everything that was public, but refused certain records that by federal law are confidential educational records or are protected records under state law. She stated that the lawsuit went through two appeals within the LAG's office and through the Legislative Records Committee. Ms. Taylor indicated that the case then went to the state district court and the state district court approved the LAG's motion to dismiss. Mr. Poll then had 30 days to appeal this decision and he chose not to appeal. This case is now closed.

8. Other Business

No other business was discussed.

9. Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously.

Speaker Curtis adjourned the meeting at 5:20 p.m..

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